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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,366	05/11/1999	MICHAEL R. BANDEMER	BRUNOM.002A	7404

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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2175

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/309,366

Applicant(s)

BANDEMER, MICHAEL R.

Examiner

Sam Rimell

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2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

SAM RIMELL  
Primarily Examiner  
AO 2175

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The Information Disclosure Statements of January 18, 2000 and April 24, 2000 have been received and fully considered.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

The preamble of claim 20 states that the invention is addressed to a system. However, no system elements or physical structures appear in the claim. Since the invention as claimed defines a system which is completely lacking in system elements, the invention as claimed lacks utility as a system.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-11, 19, 21-27 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura et al. ('444).

Claim 1: FIG. 4 of Kawamura et al. disclose an attribute table which is part of an attribute database. The attribute table is linked to a map database containing two dimensional maps and an object data base containing representations of three dimensional objects (FIG. 2).

As seen in FIG. 4, an object identifier (Resident ID) is provided which is linked to the two dimensional map and three dimensional objects. An item of observational information (name of owner) is also related to the maps and objects. An observational identifier (Residence

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Number) is assigned to each line of observational information. As seen in FIGS. 5, 6, and 10, the residence numbers are annotated on the maps. For example, the code "AB" is annotated on each of the maps in FIGS. 5, 6, and 10. This derives from the code "AB" that forms part of the Residence Number in FIG. 4. The object identifiers (Residence IDs) and observational identifiers (Residence Numbers) are associated in the computer by the use of the table in FIG. 4.

Claim 2: Selecting specific lines of observational information will lead to the display of specific maps and physical objects (FIG. 8).

Claim 3: Since the observational information is stored in memory, it can be displayed.

Claim 4: The house layout data item in FIG. 4 reads as a defect code, lacking any further definition of what a defect code actually describes.

Claim 5: The physical object is both the map and physical representation of a building.

Claim 6: Any set of numbers can correspond to a bar code. Thus, the numbers that correspond to the object identifier (Resident ID) can be considered a bar code number.

Claim 7: The graphical representation can be a floor plan schematic (FIG. 6, FIG. 8).

Claim 10: As seen in FIGS. 5, 6 and 10, the observational identifier can appear on the graphical representations of the building.

Claim 11: The object identifiers and observational identifiers are stored are stored in tables which form part of a relational database.

Claim 19: The data contained in the table of FIG. 4, which includes observational information can be displayed. Annotated graphical representations (FIG. 8) can also be displayed. The computer system and display monitor is shown in FIG. 1.

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Claim 21: See remarks for claim 1. Note that the observational information further includes a telephone number, which is indicative of a location.

Claim 22: See remarks for claim 2.

Claim 23: See remarks for claim 3.

Claim 24: See remarks for claim 4.

Claim 25: See remarks for claim 5.

Claim 26: See remarks for claim 6.

Claim 27: See remarks for claim 7.

Claim 30: See remarks for claim 10.

Claim 31: See remarks for claim 11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. ('444).

Claims 8 and 28 only differ from Kawamura et al. in the type of data that is attributed as being "observational information". However, using "construction defect information" in place of names would have been obvious to one of ordinary skill in the art as a choice of design.

Claims 9 and 29 differ in that the observational information is linked to a synthetic image of a building, rather than a photographic image of a building. However, linking the observational

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information to real, photographic image would have been obvious to one of ordinary skill in the art as a choice of design.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell  
Primary Examiner  
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